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OLC 72-0894  
7 August 1972

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Mr. Herb Hoffman, Counsel, House  
Judiciary Committee

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1. Messrs. Maury and [ ] met with Mr. Herb Hoffman, Counsel, Subcommittee No. 5, House Committee on Judiciary, and reviewed with him some of the problems for the Agency that would be involved in passage of the Ervin bill in its present form. We left with him copies of the letter of 21 May 1971 from the Director to Senator Ervin, the letter of 16 April 1971 from the Director to Representative James Hanley, a four-page outline titled "Effect of Certain Provisions of S. 1438," and a suggested amendment to the Senate version of H. R. 12652 to provide for CIA and NSA exemption.

2. Mr. Hoffman told us that he is just starting to work on this bill and so far has only had a quick reading of the bill as amended by the Senate and the Senate Committee Report No. 92-1006 dated August 1972. He is in the process of contacting various interested agencies in the hopes of bringing himself up to speed as soon as possible. He stated at the beginning of the meeting that with the House going out on the 18th for recess for the Republican Convention, he didn't see that very much could be done on this bill until after Labor Day. Somewhat as an afterthought he noted just before we closed the conversation that there are some 11 days before the recess and that it would be possible for Committee and House action to be compressed into that period of time.

3. Mr. Hoffman is not at all clear in his own mind what the possible courses of action in the handling of this bill may be. It is his present feeling that since there has been no report by a House Committee on the "Ervin bill" that the conferees will be constrained by the House rule on germaneness of amendments. In consequence, the conferees would not be able

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to agree to the amendment. It is also his present feeling that the conferees would be drawn from Subcommittee No. 5 of the House Judiciary Committee. He does not think that Representative Dulski, as Chairman of the House Post Office and Civil Service Committee, would be included but suggested that on this point as well as some of the substantive issues we might want to talk to Mr. John Martiny, Chief Counsel of the House Post Office Committee, who like ourselves has been living with this matter over the past several years.

4. Mr. Maury's presentation of the Agency problems and needs appeared to be well received by Mr. Hoffman who noted that in fact many of our problems should be common to the rest of Government even though aggravated in the security climate. He mentioned that he had discussed the bill briefly with the Chief Counsel this morning and noted that the Counsel was not overly impressed by the bill and its application to the Government as a whole. He noted the fact that we apparently had been unable to get Senator Ervin on our side. He also asked rhetorically if we had any idea what the attitude might be of Representative Gerald Ford (R., Mich.) and the Republican leadership of the House if this matter were to come to a vote on the floor. In response to a question he said that he knew Frank Slatinshek, House Armed Services Committee staff, and that he might give him a call regarding the bill.

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5. Mr. Hoffman was given Messrs. Maury and  phone numbers with the suggestion that we would be readily available for any help we might be able to provide.

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Assistant Legislative Counsel

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